

OFFICE OF THE CLERK  
UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

GUIDELINES  
FOR THE USE OF  
INTERPRETERS

Revised August 31, 2007

## **INTRODUCTION**

Interpreters play an important role in the business of the Court. Interpreters also play an important role in furthering the attorney-client relationship when the client is not fluent in English. Interpreters may be needed both in and out of the courtroom.

These Guidelines are intended to inform the Bar on the availability of interpreters in the District of New Jersey. The Guidelines are not exhaustive of the governing law. You may wish to refer to the Court Interpreters Act and the Interim regulations for more detail.

Please feel free to contact our Supervisory Court Interpreter, Sara Garcia-Rangel, or myself if you have any questions, comments or suggestions.

WILLIAM T. WALSH  
Clerk

## **GUIDELINES FOR INTERPRETERS**

### **WHAT LAW GOVERNS INTERPRETERS?**

The use of interpreters in this Court is governed by the Court Interpreters Act, 28 U.S.C. § 1827<sup>1</sup>. Under the Act, interpreters are to be provided for the “hearing impaired ... and persons who speak only or primarily a language other than the English language”, in “judicial proceedings instituted by the United States” (28 U.S.C. § 1827(b)(1)). As long as a judicial proceeding, civil or criminal, is instituted by the United States, the costs of an interpreter’s services are borne by the United States, regardless of indigence.

### **WHAT ARE THE TYPES OF INTERPRETERS?**

Under the Act, “certified” and “otherwise qualified” interpreters have been identified.

Certified interpreters are those who have passed very rigorous written and oral examinations offered by the Administrative Office. At present, the Administrative Office certifies interpreters in Spanish, Haitian Creole, and Navajo. In the case of sign language interpreters, certification is recognized for those who hold a Legal Specialist Certificate from the Registry of Interpreters for the Deaf, Inc.<sup>2</sup>

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<sup>1</sup> The Director of the Administrative Office has issued interim Regulations to implement the Act. These Interim Regulations are available on request from the Supervisory Court Interpreter.

<sup>2</sup> There are also guidelines for providing services to the hearing impaired and other persons with communication disabilities.

“Otherwise qualified” are competent interpreters who have not been certified. This includes two categories, “professionally qualified” and “language skilled.”

In general, professionally qualified interpreters are those who either have had prior employment with the State Department, United Nations, or similar agencies or are members of professional interpreters’ associations. The subcategory of language skilled interpreters is more loosely defined, being composed of those “who can demonstrate to the satisfaction of the court the ability to interpret court proceedings from English to a designated language and from that language to English.”

### **HOW ARE INTERPRETERS SELECTED IN A PROCEEDING?**

This Court employs a full-time Supervisory Court Interpreter. When there is a request for a Spanish interpreter in a proceeding instituted by the United States, the Supervisory Court Interpreter (who is certified by the Administrative Office) will be used if available. If not, the Supervisory Court Interpreter will select, on an *ad hoc* basis, another certified Spanish interpreter, a professionally qualified one, or as a last resort, a language skilled interpreter. For other languages, the same order of selection will be used.

Any request for an interpreter in any language should be made to the Supervisory Court Interpreter, or his or her designee.

### **WHEN ARE INTERPRETERS AVAILABLE?**

As noted above, interpreters will be provided at the expense of the United States in any proceeding instituted by the United States. This includes all in-court matters (for example, motions and trials).

If an interpreter is needed out-of-court, and the client is a defendant in a criminal proceeding instituted by the United States, the costs of an interpreter's services will be borne by the United States only if the client is indigent as provided by the Criminal Justice Act, 18 U.S.C. § 3006A. If the client is not indigent, the interpreter must be compensated privately.

In a civil action not instituted by the United States, or in a civil action in which the United States is a defendant, the party (including an agency of the United States) requiring the services of an interpreter is responsible for the interpreter's compensation.

Interpreters will most often be needed in courtrooms. However, through the Supervisory Court Interpreter, interpreters can be made available in the environs of the courthouse as well as "lock-up" prior to or after an in-court proceeding.

Interpreters will most often be needed during normal business hours. However, interpreters can be available, if necessary, on holidays, weekends, or outside normal business hours.

Some interpreters have expressed preferences not to work at certain locations or certain times. These preferences will be taken into consideration by the Supervisory Court Interpreter in assigning interpreters. Therefore, attorneys should not expect to work with the same interpreter in any given proceeding.

### **HOW ARE INTERPRETERS REQUESTED?**

Courtroom Deputies are responsible for requesting an interpreter for any in-court proceeding instituted by the United States. However, any attorney representing a non-

English speaking client should remind courtroom deputies of the need for an interpreter at least 24 hours in advance.

Whenever an attorney seeks an interpreter in a proceeding not initiated by the United States, that attorney is responsible for obtaining interpreting services. The Supervisory Court Interpreter can assist parties in locating qualified interpreters.

The supervisory Court Interpreter is presently Sara Garcia-Rangel. Her telephone number is (973) 645-4621 or 4637. Her Address is: United States District Court, MLK Federal Building and Courthouse, 50 Walnut Street, Newark, New Jersey 07101.

#### **HOW TO SECURE INFORMATION ON INTERPRETERS?**

As noted above, certified, professionally qualified and language skilled interpreters are available to the District of New Jersey.

The Supervisory Court Interpreter maintains a roster of all available interpreters. This roster includes basic information about each interpreter's credentials as well as any preferences with regard to time or place of work.

The Supervisory Court Interpreter is available to answer any questions with regard to interpreters and to assist attorneys in securing interpreters.

#### **HOW MUCH DO INTERPRETERS CHARGE?**

The Administrative Office has set rates of compensation of interpreters according to their levels of qualification. Interpreters are compensated on the basis of full days and half days. Certified and professionally qualified interpreters are compensated

at \$364.00 per full day, \$197.00 per half day, and \$51.00 per hour or part thereof for overtime. Language skilled interpreters are compensated at \$175.00 per full day, \$94.00 per half day, and \$29.00 per hour or part thereof for overtime.

These rates apply only in proceedings instituted by the United States. In any other proceeding in which an attorney retains an interpreter, the interpreter's compensation is a matter between the interpreter and the attorney.